

PATENT APPLICATION

SON-1690

have been filed on the non-elected inventions based on that prior action, it would have been helpful to have known at that prior action that an election of species requirement would ALSO have been imminent. Thus, it is requested that the election of species requirement be withdrawn on the grounds of res judicata, comity, or at the very least full faith and credit for the actions of the prior examiner.

Moreover, the examiner has not shown that a "serious burden" would be imposed under MPEP 803 for a search and examination of twenty-two claims to all of the identified species. It is, however, appreciated that the examiner has determined that the species of Embodiments 1 to 5 are patentably distinct.

In full and timely response to the substance of the election of species requirement, the Applicant provisionally elects the species of Embodiment 1, drawn to Figures 3, 9, and 13. The examiner had failed to identify whether any claim is generic. It is submitted that at least claims 1 and 2 are generic to all species, as are claims 6 and 9. Additionally, at least claims 4, 7, 10 to 12, 14 to 17, and 20 are believed to read on the elected species. Accordingly, an examination of all claims readable on Embodiment 1, shown in Figs. 3, 9 and 13 is requested.

Please note that certain claims may be generic to only embodiments 1 and 2, but not to embodiment 3 (Figure 14); embodiment 4 (Figure 16) and embodiment 5 (Figures 17 and 18). In that case, the election of species requirement as to the first two embodiments should be withdrawn upon examination, whether or not a claim to all species is generic and patentable, or subgeneric.

The Applicant preserves its right under MPEP §821.04 to rejoin withdrawn process of making and/or process of using claims when elected product claims are found to be allowable.

Acknowledgement and entry of the Preliminary Amendment filed on May 2, 2000 is again requested (see the last paragraph of the

PATENT APPLICATION

SON-1690

Response Electing Invention responsive to the initial election of invention requirement)

An early examination on the merits of the elected claims is respectfully requested.

Respectfully submitted,

Ronald P. Kananen
Reg. No. 24,104

Date: June 22, 2001

RADER, FISHMAN & GRAUER, PLLC
The Lion Building
1233 20th Street, N.W., Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751

Customer No. 23353